

REMARKS

This Amendment is being filed in response to the Office Action mailed October 14, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 remain in this application, where claims 6-14 have been added. Claims 1, 5, 9 and 12 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct a certain informality.

In the Office Action, the Examiner suggested adding headings to the specification. Applicant gratefully acknowledges the Examiner's suggestion, however respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the Office Action, claims 1-3 and 5 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent

Application Publication No. 2003/0103431 (Kuroda) in view of U.S. Patent No. 7,158,466 (Tanaka). Further, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kuroda in view of Tanaka and U.S. Patent No. 6,678,236 (Ueki). It is respectfully submitted that claims 1-14 are patentable over Kuroda, Tanaka and Ueki for at least the following reasons.

Kuroda is directed to an optical disk recording apparatus configured to record information on a multilayer optical disk having a general information recording area for recording general information and a management information recording area for recording management information. As shown in FIG 7, step S11, and described in paragraph [0070]:

A request may be made to record, change, or delete the general information from the general information recording area 26 or 27 on the optical disk 11 where the general information is not recorded yet. In this case, initial management information is written to the management information recording area 25. Thereafter, meaningless information is written to all the unrecorded areas 25b in the management information recording area 25. (See steps S11 through S13.)

As correctly noted on page 4, lines 5-7 of the Office Action, Kuroda does not teach or suggest "writing information patterns

representing control information in at least one of the inner control information area and the outer control area of the second information layer," as recited in independent claim 1, and similarly recited in independent claim 5. (Illustrative emphasis provided). Tanaka is cited in an attempt to remedy the deficiencies in Kuroda.

Tanaka is directed to a multilayer optical recording medium according that includes an L1 recording layer and an L0 recording layer. Read-in area for recording the data management information of all the data recorded in the respective data recording areas of the L1 recording layer and the L0 recording layer is formed only in the L0 recording layer.

It is respectfully submitted that Kuroda, Tanaka, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 5 which, amongst other patentable elements, recites (illustrative emphasis provided):

writing information patterns representing control information in at least one of the inner control information area and the outer control area of the second information layer.

As discussed above, Kuroda does not even disclose or suggest any control information area in the second layer. Rather, Kuroda only discloses a single management information recording area 25 located in the first layer, which is fully written in the initialization step S11 shown in FIG 7. Further, Tanaka is not concerned with reading any data recorded in a second layer after a jump to the second layer from the first layer. Rather, Tanaka is concerned with recording data management information of all the data recorded in the data recording areas of both recording layers L0, L1 in only the first or L0 recording layer.

At best, the combination of Kuroda and Tanaka discloses a medium with two layers, each with areas for recording management information (as disclosed in Tanaka), where only the management information of the first layer is fully written upon initialization (as disclosed in Kuroda) in management area of the first layer.

There is simply no disclosure, suggestion or motivation in Kuroda and Tanaka, alone or in combination, to write "information patterns representing control information in at least one of the inner control information area and the outer control area of the second information layer," as recited in independent claim 1, and

similarly recited in independent claim 5.

Further, Kuroda, Tanaka, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 9, and similarly recited in independent claim 12 which, amongst other patentable elements, recites (illustrative emphasis provided) :

writing user information in a user information area of a first information layer;
after the writing user information act and before a jump to a second information layer, writing control information in a control area of a second information layer.

Writing control information in a control area of the second information layer, after the writing user information on first information layer and before a jump to the second information layer is nowhere disclosed or suggested in Kuroda, Tanaka, and combination thereof. Rather, Kuroda merely disclose an initialization step S11 shown in FIG 7 and described in paragraph [0070] where management information recording area 25 located in the first layer, is fully written before writing any user or general information from the general information recording area 26 or 27.

Ueki is cited to allegedly show other features and do not remedy the deficiencies in Kuroda and Tanaka. Accordingly, it is respectfully submitted that independent claims 1, 5, 9 and 12 should be allowable. In additions, claims 2-4, 6-7, 10-11 and 13-14 should be allowable at least based on their dependence from independent claims 1, 5, 9 and 12.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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